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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL

EXAMINERS

IN THE MATTER OF: :

NANCY J. DUNKLE, D.V.M. : CONSENT ORDER

TO PRACTICE VETERINARY MEDICINE :
IN THE STATE OF NEW JERSEY :
_____ :

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint which alleged that Nancy J. Dunkle, D.V.M., in or about March 7, 2002, provided substandard care to a six (6) month old female cat named "Miccina," owned by Linda McLaughlin, which led to Miccina's death. Specifically, Ms. McLaughlin alleged that the respondent engaged in professional misconduct and negligence while rendering veterinary medical services to her cat.

The consumer took Miccina to Dr. Dunkle's hospital, Exclusively Cats

Veterinary Hospital ("Hospital"), on March 7, 2002, to be spayed at approximately 9:15 a.m. According to her April 2, 2002, response to the Board, Dr. Dunkle reviewed Miccina's records from another veterinarian and performed a physical examination on that day. All the information she had indicated that the cat was a healthy kitten.

On the morning of the scheduled spay, Miccina was, according to Dr. Dunkle, hissing and yowling. When Dr. Dunkle opened the door to the cat's cage to induce anesthesia, the cat lunged at Cassie, a veterinary assistant, who was assisting in the surgery. Thereafter, the intramuscular ketamine/acepromazine/torbugesic injection was administered. Cassie, shaken by Miccina's conduct, left the area to go to the bathroom. Dr. Dunkle maintains, in her April 2002 response to the Board, that she monitored Miccina as the injection took effect. She further asserts that, upon Cassie's return, Miccina was on the surgical prep table and that Cassie began to shave the cat when Cassie advised Dr. Dunkle that she had lost Miccina's heartbeat and witnessed the cat stop breathing. The respondent maintains that she ran over to the table to find Miccina suddenly apneic and in cardiac arrest. She and Cassie began CPR in order to resuscitate the cat, however, Dr. Dunkle was unable to get a heart beat and later declared Miccina dead.

On July 24, 2002, the Board held investigative inquiries in which several of Dr. Dunkle's former and present employees appeared, with the Hospital's counsel. The Board heard the testimony of Elizabeth Clark, Cassandra Fries and Donna Diaz. Additionally, the Board reviewed an affidavit, dated July 22, 2002, submitted by Jill Whaley, an employee of the respondent.

The testimony elicited from the former and present employees at the inquiry revealed that after Miccina had been sedated and Cassie left the room in order to attend to the scratches she received, Dr. Dunkle also left the treatment room to speak to other members of her staff in the reception area of the office, thereby leaving Miccina alone briefly following the sedation injection. Moreover, Dr. Dunkle and the testimony of Ms. Clark and Ms. Diaz indicates that Cassie noticed Miccina had stopped breathing.

From its review of the testimony and written documentation in this matter, the Board finds that cause for disciplinary action against Dr. Dunkle exists as a result of the conduct detailed above. Specifically, the Board finds that Dr. Dunkle engaged in professional misconduct, contrary to N.J.S.A. 45:1-21(e). The Board found the testimony of the respondent's employees, that Dr. Dunkle left the treatment room subsequent to administering a sedation injection to Miccina, and hence left the cat alone, to be credible. Therefore, the Board concludes that the respondent's conduct of leaving the cat unattended following sedation and failing to specifically point this fact out in her written submission to the Board constitutes professional misconduct, in violation of N.J.S.A. 45:1-21(e), and provides grounds for the imposition of disciplinary action.

It appearing that the respondent desires to resolve this matter without the need for

formal disciplinary proceedings; and the respondent acknowledging the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

IT IS on this 30th day of April 2003,
ORDERED that:

1. The respondent, Nancy J. Dunkle, D.V.M., is hereby formally reprimanded for engaging in professional misconduct, contrary to N.J.S.A. 45:1-21(e), by leaving Miccina unattended following the administration of a sedation injection and in failing to specifically point this fact out in her written submission to the Board.

2. Dr. Dunkle is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,000.00 for engaging in professional misconduct in her treatment of Miccina, contrary to N.J.S.A. 45:1-21(e). Payment for the civil penalty shall be submitted no later than ten (10) days from the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Any subsequent violations will subject respondent to enhanced penalties as provided in N.J.S.A. 45:1-25.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Neal L. Beeber, D.V.M.
NEAL L. BEEBER, D.V.M.
President

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.

Nancy J. Dunkle, D.V.M. 4/21/03
NANCY J. DUNKLE, D.V.M. Dated:

This Order is agreed to as to form and entry.

DEBORAH A. HOLZMAN 4/24/03
DEBORAH A. HOLZMAN, ESQUIRE
Attorney for Nancy J. Dunkle, D.V.M.